THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11638 of 1998

Dated:11.04.2007

Between
Muthi Ramu

.....Petitioner

and

Visakhapatnam Dock Labour
Board, Visakhapatnam
Rep., by its Deputy Chairman

...Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11638 of 1998

ORDER:

This writ petition is filed seeking to declare the action of the respondent in rejecting the appointment of the petitioner on compassionate grounds in view of the retirement of his mother on medical grounds merely on the ground that his father is still in employment, as arbitrary and illegal.

According to the petitioner, his parents are employees in the respondent-Board and they got separated long back. The petitioner was brought up by his mother and they lived separately and he is dependant on her. He failed Matriculation in 1987. He is married and unemployed. His mother, who is working in the respondent-Board, retired on medical

grounds on 29.1.1999. Since there is no other earning member in the family, she made an application to the respondent-Board to provide employment to the petitioner as per the policy prevailed. In fact, several such appointments were made by the respondents even if both the parents are employed and one of the parents retired on medical grounds, but the case of the petitioner was not considered although he was interviewed and personal hearing was given. According to the petitioner, respondent-Board passed orders on 13.3.1998 rejecting his case on the ground that even subsequent to the so called separation, parents have given nomination of each other in their respective Provident Fund nomination papers and hence the divorce is unbelievable. According to the petitioner, the divorce is altogether different from that of nomination for the purpose of Provident Fund etc., therefore, the action of the respondents in rejecting the case of the petitioner on the ground that his father is in

employment is illegal.

A detailed counter-affidavit has been filed by the respondent denying the allegations made by the petitioner and reiterating the stand as was taken in the impugned order and asserting that the father of the petitioner M.Somulu was working in the respondent-Board as on the date of obtaining voluntary retirement by his mother. Therefore, no indigenous circumstances prevailed in the case of the petitioner for considering his case for compassionate appointment and as such, no employment was offered. As per the available records, there is no separation between his father and mother and the purported divorce deed was obtained only for securing employment.

Heard the learned counsel on either side.

From the above, it is clear that both the father and the mother of the petitioner were employees of the respondent-Board and his mother retired from service on medical

grounds whereas his father was continuing. The case of the petitioner was not considered on the ground that his father was in service as on the date of retirement of his mother and there were no indigenous circumstances prevailed in the case of the petitioner for considering his appointment on compassionate grounds. Therefore, it cannot be said that the impugned order passed by the respondents suffers from any illegality or irregularity and no interference is called for by this Court under Article 226 of the constitution of India. Writ petition is devoid of merits and is liable to be dismissed.

Accordingly, writ petition is dismissed. No costs.

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11-04-2007

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